

PATENT



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MST-2322.1

Receipt

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: G.A. Farrell :  
Serial No.: 09/549,036 : Group Art Unit: 1743  
Filed: April 13, 2000 : Examiner: D. Handy  
*Variable Rate Particle Counter* :  
*and Method of Use*

LETTER

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Customer Service Center  
Commissioner of Patents and Trademarks  
Washington, DC 20231

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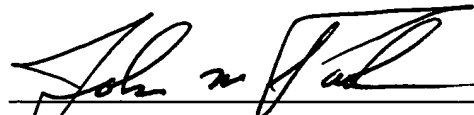
Sir:

Please issue a corrected filing receipt (copy attached) to conform with the copy of the Power of Attorney by Assignee submitted with the above application (copy attached) and as originally filed in parent application 09/225,937. A copy of the Utility Patent Application Transmittal sheet, which originally accompanied the present patent application, is also enclosed.

Respectfully submitted,

Dated: August 10, 2000

Bayer Corporation  
511 Benedict Avenue  
Tarrytown, NY 10591  
(914) 524-2552

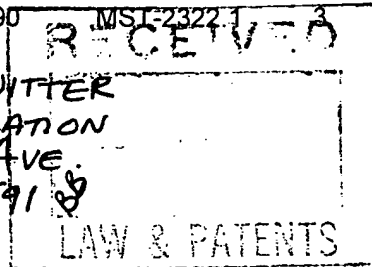
  
JOHN M. PAOLINO  
Registration No. 40,340

**CORRECTED FILING RECEIPT**

\*OC000000005199840\*

**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**Address: ASSISTANT SECRETARY AND  
COMMISSIONER OF PATENT AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/549,036	04/13/2000	1743	690	MST-2322-1		5	1

Robert M Isackson Esq  
Orrick Herrington & Sutcliffe LLP  
666 Fifth Avenue  
New York, NY 10103-0001ANDREW L. KLAWITTER  
BAYER CORPORATION  
511 BENEDICT AVE.  
TARRYTOWN, NY 10591

Date Mailed: 06/26/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Gregory A Farrell, Ridgewood, NJ ;

**Continuing Data as Claimed by Applicant**

THIS APPLICATION IS A DIV OF 09/225,937 01/06/1999

**Foreign Applications**

If Required, Foreign Filing License Granted 06/19/2000

-

**Title**

Variable rate particle counter and method of use

**Preliminary Class**

422

Data entry by : BLIZZARD, SHARON.

Team : OIPE

Date: 06/26/2000

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Please type a plus sign (+) inside this box → ☒

Approved for use through 09/30/2000. OMB 0651-0032  
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## UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Attorney Docket No.	MST-2322.1
First Inventor or Application Identifier	G.A. Farrell
Title	Variable Rate Particle Counter.....
Express Mail Label No.	

### APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ \* Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Specification [Total Pages 16]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to Microfiche Appendix
  - Background of the invention
  - Brief Summary of the invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
3. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 3]
4. Oath or Declaration [Total Pages 6]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 C.F.R. § 1.63(d))  
(for continuation/divisional with Box 16 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).

\* NOTE FOR ITEMS 1 & 13: IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.37), EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.28).

### ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

5. ☐ Microfiche Computer Program (Appendix)
6. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a. ☐ Computer Readable Copy
  - b. ☐ Paper Copy (identical to computer copy)
  - c. ☐ Statement verifying identity of above copies

### ACCOMPANYING APPLICATION PARTS

7. ☐ Assignment Papers (cover sheet & document(s))
8. ☐ 37 C.F.R. § 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
9. ☐ English Translation Document (if applicable)
10. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
11. ☒ Preliminary Amendment
12. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
13. ☐ \* Small Entity Statement(s) ☐ Statement filed in prior application, Status still proper and desired (PTO/SB/09-12)
14. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
15. ☒ Other: Copy of Power of Attorney by Assignee

16. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No: 09/1225937

Prior application information: Examiner Duane Handy

Group / Art Unit: 1743

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

### 17. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☒ Correspondence address below

Name	John M. Paolino				
	Bayer Corporation				
Address	511 Benedict Avenue				
City	Tarrytown	State	NY	Zip Code	10591
Country	USA	Telephone	914/524-2552	Fax	914/524-3594

Name (Print/Type)	JOHN M. PAOLINO	Registration No. (Attorney/Agent)	40,340
Signature	<i>John M. Paolino</i>	Date	04/10/00

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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Bib Data Sheet

<b>SERIAL NUMBER</b> 09/549,036	<b>FILING DATE</b> 04/13/2000 <b>RULE</b> -	<b>CLASS</b> 422	<b>GROUP ART UNIT</b> 1743	<b>ATTORNEY DOCKET NO.</b> MST-2322.1
<b>APPLICANTS</b> Gregory A Farrell, Ridgewood, NJ ; <b>** CONTINUING DATA *****</b> THIS APPLICATION IS A DIV OF 09/225,937 01/06/1999 <i>OK, OK</i> <b>** FOREIGN APPLICATIONS *****</b> <i>NONE, OK</i>				
<b>IF REQUIRED, FOREIGN FILING LICENSE</b> <b>GRANTED ** 06/19/2000</b> -				
Foreign Priority claimed <input type="checkbox"/> yes <input checked="" type="checkbox"/> no 35 USC 119 (a-d) conditions <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> Met after met Verified and Acknowledged <i>D. Harty</i> <i>OK</i> Examiner's Signature Initials		<b>STATE OR COUNTRY</b> NJ	<b>SHEETS DRAWING</b> 3	<b>TOTAL CLAIMS</b> 5
		<b>INDEPENDENT CLAIMS</b> 1		
<b>ADDRESS</b> Andrew L. Klawitter Bayer Corporation 511 Benedict Avenue Tarrytown, NY 10591				
<b>TITLE</b> Variable rate particle counter and method of use				
<b>FILING FEE RECEIVED</b> 690	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees ( Filing ) <input type="checkbox"/> 1.17 Fees ( Processing Ext. of time ) <input type="checkbox"/> 1.18 Fees ( Issue ) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit	

Patent



Docket No. MST-2322

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :

G.A. Farrell :

Group Art Unit: 1743

Serial No. 09/225,937 :

Examiner: D. Handy

Filed: January 6, 1999 :

*Variable Rate Particle Counter  
and Method of Use* :

POWER OF ATTORNEY BY ASSIGNEE OF RECORD

Asst. Commissioner of Patents  
Washington, DC 20231

Sir:

The undersigned, being Assignee of the entire right, title and interest of the above-identified patent application for United States Letters Patent, as shown in the assignment records of the United States Patent and Trademark Office, recorded on January 6, 1999, on Reel 9706, Frame 0453 (copy of Assignment attached), hereby revokes all former Powers of Attorney and appoints the following:

Andrew L. Klawitter	Reg. No. 26,557
Jerome L. Jeffers	Reg. No. 25,080
Judith A. Roesler	Reg. No. 34,237
John M. Paolino	Reg. No. 40,340

as attorneys, with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the United States Letters Patent, and to transact all business in the Patent Office connected therewith.

Please direct all future correspondence to ANDREW L. KLAWITTER, Esq., Bayer Corporation, 511 Benedict Avenue, Tarrytown, New York 10591 (telephone number 914/524-2093).

Dated: April 4, 2000

BAYER CORPORATION

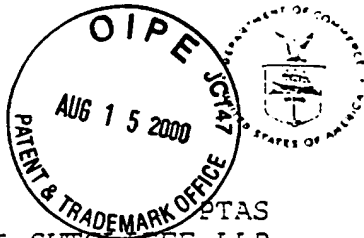
By: 

KENNETH F. WOBBEKIND  
Vice President, Assistant General  
Counsel and Assistant Secretary

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APRIL 19, 1999

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ORRICK, HERRINGTON & SUTCLIFFE LLP  
ROBERT M. ISACKSON  
666 FIFTH AVENUE  
NEW YORK, NEW YORK 10103



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231



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UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/06/1999

REEL/FRAME: 9706/0453  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS)

ASSIGNOR:  
FARRELL, GREGORY A.

DOC DATE: 12/22/1998

ASSIGNEE:  
BAYER CORPORATION  
511 BENEDICT AVENUE  
TARRYTOWN, NEW YORK 10591-5097

SERIAL NUMBER: 09225937  
PATENT NUMBER:

FILING DATE: 01/06/1999  
ISSUE DATE:

TARA WASHINGTON, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

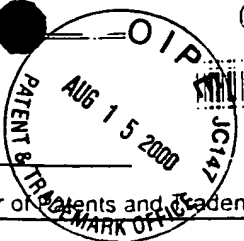
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8698-2037  
noted  
J.M.

01-25-1999

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(Rev. 6-93) Docket 8698 2050U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

1-6-99



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 09/22/99  
 01/06/99

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Gregory A. FARRELL

Additional name(s) of conveying party(ies) attached?

[ ] Yes [x] No

3. Nature of conveyance:

[x] Assignment [ ] Merger

[ ] Security Agreement [ ] Change of Name

[ ] Other

Execution Date: December 22, 1998

2. Name and address of receiving party:

Name: Bayer CorporationAddress: 511 Benedict AvenueCity: TarrytownState: New YorkZIP: 10591-5097

Additional name(s) &amp; address(es) attached? [ ] Yes [X] No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: December 22, 1998

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? [ ] Yes [X] No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Robert M. IsacksonInternal Address: Orrick, Herrington & Sutcliffe LLPStreet Address: 666 Fifth AvenueCity: New York State: New York ZIP: 10103

6. Total number of applications and patents involved: [1]

7. Total fee (37 CFR 3.41).....\$ 40.00

[X] Enclosed

[X] Authorized to be charged to deposit account for any deficiency

8. Deposit account number: 15-0665

(Attach duplicate copy of this page if paying by deposit account)

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Robert M. Isackson, Reg. No. 31,110

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: [3]

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments Washington, D.C. 20231

01/20/1999 ASELLMAN 00000066 09225937

03 FC:581

40.00 OP

DOCSNY1:528113.1  
8698-2027 SM4

ASSIGNMENT

WHEREAS, I, Gregory A. Farrell, residing at 447 Hillcrest Road, Ridgewood, New Jersey, 07450, have made an invention entitled:

VARIABLE RATE PARTICLE COUNTER AND METHOD OF USE

and

have made application for United States Letters Patent thereof, filed herewith under serial number not yet known, and

WHEREAS, BAYER CORPORATION, a corporation of the State of Indiana, having an office at 511 Benedict Avenue, Tarrytown, New York 10591-5097, U.S.A., and its successors, assigns and legal representatives,

(hereinafter the "Assignee") is desirous of acquiring the entire interest in said invention for the United States of America and outside of the United States, in said United States patent application, in any United States Letters Patent which may issue thereon, and in any foreign Letters Patent or like right of exclusion which may issue on any foreign application therefor;

NOW, THEREFORE, be it known that for and in consideration of the sum of One Dollar (\$1.00) to me paid, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I do hereby confirm that I have sold, assigned and transferred, and do hereby sell, assign and transfer unto the Assignee, its successors, assigns and legal representatives, all right, title and interest in and to said invention and any improvements thereon for all countries of the world, and in and to said United States application, including any continuations and divisions thereof, and any substitute applications therefor, and any United States Letters Patent which may issue thereon, and any reexamination and reissues of the same; and all right, title and interest in and to every application for a patent or like right of exclusion filed or to be filed on said invention in any other country, including renewals, revivals, continuations and divisions thereof, and any substitute applications therefor, and I hereby authorize and request competent authorities to grant and issue any and all patents and like rights of exclusion on said invention to the Assignee as the assignee of the entire interest therein; and I further agree upon request of the Assignee to give sworn statements and to execute such additional documents, if any, as may be necessary and proper to secure patent protection and enforce patents on said invention or like rights of exclusion regarding said invention throughout all countries of the world, and otherwise to give full effect to and perfect the rights of the Assignee under this Assignment.

IN TESTIMONY WHEREOF, I have hereunto signed my name at the place and on the date indicated hereinafter:



(1)

Gregory A. Farrell  
Gregory A. FARRELL

Tarrytown, New York

Place: (City, State)

22 December 1998

Date

STATE OF NEW YORK

)ss.:

COUNTY OF WESTCHESTER

Before me, a Notary Public for said County, personally appeared GREGORY A. FARRELL  
~~Gregory A. Farrell~~, to  
me known and known to me to be the person who executed the foregoing instrument and  
acknowledged it to be his free act and deed.

Witness my hand and seal DECEMBER 22, 1998

Benita D. Beisler

Notary Public

My Commission expires:

BENITA D. BEISLER  
Notary Public, State of New York  
No. 4781626  
Qualified in Westchester County  
Commission Expires May 31, 1999